

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE CRUZ,

Plaintiff,

v.

LOPEZ M, et al.,

Defendants.

Case No. 3:24-cv-00305-ART-CSD

SUGGESTION OF DEATH AND
RELATED MATTERS

This action began with a civil-rights complaint under 42 U.S.C. § 1983 submitted by state prisoner Jose Cruz. (ECF No. 1-1). According to a press release issued by the Nevada Department of Corrections (“NDOC”), Cruz died in custody on September 16, 2024, and his next-of-kin was notified. No party has filed a suggestion of death in this action, but that is not surprising considering that Cruz was the only party who appeared in this case, and the Court is not aware that he had any other active lawsuits.


Federal Rule of Civil Procedure 25(a)(1) provides that, “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party.” “A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1).

It is therefore ordered that the Office of the Attorney General of the State of Nevada has until Friday, January 10, 2025, to serve a copy of this order on Cruz’s representative or next of kin and file proof of that service with the Court.

It is further ordered that Cruz’s successor or representative, or any party, has until Thursday, March 20, 2025, to file a motion under Rule 25(a)(1) to substitute the proper party for decedent-plaintiff Cruz.

1 The Clerk of Court is kindly directed to add the Nevada Department of
2 Corrections to the docket as an Interested Party and electronically provide a copy
3 of this order and copies of all items previously filed in this case by regenerating
4 the Notices of Electronic Filing on the Office of the Attorney General of the State
5 of Nevada by adding the Attorney General of the State of Nevada to the interested
6 party on the docket. This does not indicate acceptance of service.

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8 DATED THIS 20th day of December, 2024.

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12 ANNE R. TRAUM
13 UNITED STATES DISTRICT JUDGE
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